

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

MELODY STOOPS

Plaintiff,

v.

WELLS FARGO BANK, N.A.

Defendant.

Civil Action No. 3:14-cv-263

**WELLS FARGO BANK, N.A.'S NOTICE  
OF REMOVAL OF ACTION UNDER 28  
U.S.C. § 1331 (FEDERAL QUESTION  
JURISDICTION)**

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**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA, PLAINTIFF, AND PLAINTIFF'S  
COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Wells Fargo Bank, N.A. removes the above-captioned action from the Cambria Court of Common Pleas, to the United States District Court, Western District of Pennsylvania. Defendant is entitled to removal pursuant to 28 U.S.C. § 1331, based on federal question jurisdiction as follows:

1. On or about March 4, 2015, an action was commenced in the Cambria Court of Common Pleas entitled *Melody Stoops v. Wells Fargo Bank, N.A.*, Civil Action No. 2015-896 (the "State Court Action"). Plaintiff asserts a claim for violation of the Telephone Consumer Protection Act (47 U.S.C. §227 et seq.). A copy the pleadings in the State Court Action, including summons and complaint, are attached to this Notice as Exhibit A.

2. This Notice of Removal is timely under 28 U.S.C. § 1446(b) and Fed. R. Civ. P. 6(a)(3) because the State Court Action was served on March 11, 2015. Therefore, this notice

of removal is filed within thirty days after service and within one year of the original filing of the complaint.

3. This Court has subject matter jurisdiction over this action and all claims asserted against Defendant pursuant to 28 U.S.C. §§ 133, and removal is proper pursuant to 28 U.S.C. § 1441.

4. Venue in this Court is proper pursuant to 28 U.S.C. §1441(a) because the United States District Court for the Western District of Pennsylvania is the federal judicial district and division embracing the Cambria County Court of Common Pleas, where the State Court Action was originally filed.

5. Pursuant to 28 U.S.C. §§ 1446(d), Defendant is filing this notice of removal with this Court, serving a copy of this notice upon Plaintiff, and filing a copy in the Cambria County Court of Common Pleas. A true and correct copy of the Notice of Filing of Notice of Removal (without exhibits) is attached hereto as Exhibit B.

#### **Federal Question**

6. The Complaint names a claim for violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (“TCPA”). The claim therefore presents a federal question within the meaning of 28 U.S.C. § 1331, as it arises under the laws of the United States. *See Mims v. Arrow Financial Services, LLC*, 132 S. Ct. 740, 753 (2012) (*holding* federal courts have original jurisdiction to hear TCPA claims pursuant to 28 U.S.C. § 1331.)

**WHEREFORE**, Defendant prays that the State Court Action be removed from state court to this Court and that this Court assume jurisdiction over the action and determine it on the merits.

Dated this 31<sup>st</sup> day of March, 2015.

By: /s/ Martin C. Bryce, Jr.

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*Attorneys for Defendant*  
*WELLS FARGO BANK, N.A.*

**CERTIFICATE OF SERVICE**

I, Martin C. Bryce, Jr., hereby certify that on this 31<sup>st</sup> day of March, 2015, I caused a true and correct copy of the Notice of Removal of Action under 28 U.S.C. § 1331 (Federal Question Jurisdiction) to be served via ECF and first class mail, postage prepaid, on plaintiff's counsel, as follows:

Brett Freeman, Esquire  
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*Attorney for Plaintiff*

/s/ Martin C. Bryce, Jr.  
Martin C. Bryce, Jr.